

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSE BLAS,)
Petitioner,) Civil Action No. 04-CV-40211-NG
v.)
DAVID L. WINN, Warden,)
Respondent.)

)

NOTICE OF NEW CASE LAW

The Respondent, David Winn, hereby notifies the Court of two recent decisions that are relevant to the Petitioner's pending Petition for Writ of Mandamus and/or Habeas Corpus and the United States' corresponding Motion to Dismiss.

First, on December 2, 2004, the Seventh Circuit reversed the trial judge's ruling in White v. Scibana, 314 F. Supp. 2d 834 (W.D. Wis. 2004). See White v. Scibana, Appeal No. 04-2410 (7th Cir. 2004) (attached as Exhibit 1).

Second, the District Court for the Eastern District of New York recently held that petitioner was only entitled to good time credit for time *served*. See Eliot S. Sash v. Michael Zenk, Civil Action No. 04-CV-2476 (NGG) (November 9, 2004) (attached as Exhibit 2).

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Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jeffrey M. Cohen
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CERTIFICATE OF COMPLIANCE

The Respondent takes the position that L.R. 7.1 requires "counsel" to confer and is not applicable where, as here, the opposing party is *pro se*. Alternatively, because Petitioner is a prisoner currently incarcerated in a federal correctional facility, counsel for the Respondent respectfully requests leave to file this Motion without a 7.1 conference.

/s/ Jeffrey M. Cohen
Jeffrey M. Cohen
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of December 2004, the foregoing document was served upon Petitioner, Jose Blas, Reg. No. 67734-053, FMC Devens, P.O. Box 879, Ayer, MA 01432 by mail.

/s/ Jeffrey M. Cohen
Jeffrey M. Cohen